

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Court No. 05-11818-RWZ
)	
TERRENCE J. JOYCE,)	
)	
Defendant.)	
_____)	

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE AND TO
DISMISS FOR FAILURE TO SHOW A VIABLE CAUSE**

The United States of America (hereinafter the "plaintiff") hereby opposes the motion filed by Terrence J. Joyce (hereinafter the "defendant") to strike the Certificate of Indebtedness and to dismiss the complaint for failure to show a "viable cause." The Court should deny the defendant's motion as it is without merit. The defendant sets forth no legal grounds in support of his motion.

The purpose of the plaintiff's inclusion of a recital of the defendant's bankruptcy proceedings in the Certificate of Indebtedness was to offer proof that Joyce had previously admitted the existence of the HEAL loan debt and failed in his attempt to have this debt discharged by the United States Bankruptcy Court.

WHEREFORE, the United States respectfully requests that Joyce's motion to strike the Certificate of Indebtedness and to dismiss denied.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

Dated: November 15, 2005 By: /S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
John Joseph Moakley Courthouse
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Boston, MA 02210
(617) 748-3303

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above-document was served by first class mail, postage prepaid, upon the *pro se* defendant at the following addresses:

Terrence J. Joyce
30 Fort Meadow Drive
Hudson, MA 01749

Dated: November 15, 2005 /s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney